

**FILED**

AUG 08 2018

Clerk, U.S. District Court  
District Of Montana  
Helena

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

9 NATHAN PIERCE, MONTANA  
COALITION FOR RIGHTS,  
MONTANANS FOR CITIZEN  
VOTING, GOOD NEIGHBORS FOR  
MONTANA, and SHERRI FERRELL,

CV-18-63-H-CCL

ORDER

Plaintiffs,

vs.

COREY STAPLETON, *in his official capacity as the Secretary of State and chief election official for the State of Montana*, and TIM FOX, *in his official capacity as the Attorney General for the State of Montana*,

Defendants.

Upon review of the record, the court deems it appropriate to hold a preliminary pretrial conference to aid the court in establishing a case management plan for the efficient and expeditious determination of this case. Accordingly,

IT IS HEREBY ORDERED that counsel shall attend a Preliminary Pretrial Conference on October 18, 2018 at 9:30 a.m. before the undersigned in the courtroom, United States Courthouse, Helena, Montana.

IT IS FURTHER ORDERED:

1. Lead trial counsel shall confer at least twenty-one days before the preliminary pretrial conference to consider the matters set forth in Fed. R. Civ. P. 26(f). Counsel shall meet to discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case and to develop a proposed Case Management Plan. The Case Management Plan resulting from the Rule 26(f) conference is not subject to revision absent compelling reasons. The parties shall submit the proposed Case Management Plan to the Court seven calendar days before to the preliminary pretrial conference.

2. The contents of the Case Management Plan shall contain deadlines for the following pretrial motions and events or shall state that such deadlines are not necessary:

Motions to Dismiss (fully briefed)  
Certification of Administrative Record  
Plaintiff's Designation of Expert Witnesses  
Defendant's Designation of Expert Witnesses  
Motions to Supplement the Administrative Record  
Motions to Amend the Pleadings  
Completion of Discovery  
Motions for Summary Judgment (fully briefed)  
Additional Deadlines agreed to by the Parties.

“Fully briefed” means that the motion, the brief in support thereof, and the opposing party’s response brief are all filed with the Court by the deadline.

The Case Management Plan shall also contain a statement of the areas in which each party expects to retain expert witnesses.

3. Each party shall serve initial disclosures conforming with Fed. R. Civ. P. 26(a)(1) no more than fourteen days after the Rule 26(f) conference. The parties are encouraged to serve initial disclosures at least seven days before the Rule 26(f) conference. Initial disclosures shall not be filed.

4. Each party shall file a preliminary pretrial statement no later than seven calendar days before the preliminary pretrial conference. These statements shall include:

- a. issues concerning jurisdiction and venue;
- b. the factual basis of each claim or defense advanced by the party;
- c. the legal theory underlying each claim or defense, including, where necessary to a reasonable understanding of the claim or defense, citations to authority;
- d. a computation of damages;
- e. the pendency or disposition of any related state or federal litigation;
- f. proposed stipulations of fact and law;
- g. proposed deadlines relating to joinder of parties or amendment of the

pleadings;

- h. identification of controlling issues of law suitable for pretrial disposition;
- i. prospects for compromise of the case and the feasibility of settlement negotiations or alternative dispute resolution; and
- j. suitability of special procedures or placement on an expedited trial docket.

5. Counsel are advised that failure to provide adequate information in the preliminary pretrial statement may be deemed an admission that this is a non-complex case. Failure to comply with this order or with the local rules may also result in the imposition of sanctions.

Dated this 7<sup>th</sup> day of August, 2018.



CHARLES C. LOVELL  
SENIOR UNITED STATES DISTRICT JUDGE